April. 11. 1681.

Imprimatur

TIMO. HALTON
Vice-Cancel. *OXON.*

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Moſes's Charge to Iſrael's Judges,

Opened in an Aſsiſe

SERMON

Preached at Salisbury,

Feb. 27. 1680.

Before the Right Honourable

Sr *THOMAS JONES*

Judge of Aſsiſe.

By *JOHN BENNION* M. A.
Vicar of Malmesbury in *Wiltſhire.*

Publiſhed by Command of Mr. High Sherif.

Εντεῦθεν αἱ μάχαι καὶ τὰ ἐγκλήματα, ὅταν ἢ ἴσοι μὴ ἴσα, ἢ μὴ ἴσοι ἴσα ἔχωσι καὶ νέμωσιν. *Ariſt. Eth. l.* 5. *cap.* 3.

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Anno Dom. 1681.

UMI

To The

Right Worſhipfull

THOMAS GORE

of ALDRINGTON Eſquire,

HIGH SHERIF

Of The

COUNTY of WILTS.

HAD *this* Epiſtolar *Addreſs, and the* Publiſhing *of this Sermon it* Prefaceth, *been Matter of mine own free* Choice; *I might juſtly have faln under the Cenſure of* Libelling *ſo* great *a Judgment as* yours. *But when You were pleas'd firſt to ſummon ſo* young *and* weak *a Miniſter, as my ſelf, on ſo* ſolemn *an Occaſion to the* Pulpit; *and then to command ſo* poor *a Performance, as this of mine, to the* Preſs; *I am no farther concern'd, than in two ſuch high Proofs of my* Obedience.

But you, Sir, who have ſo determin'd this Dedication *upon* your Self, *are thereby as well oblig'd to the* Defence *of your own* Reputation, *how well ſoever otherwiſe eſtabliſht; as to the* Patronage *of this Sermon, now made* Publique, *againſt ſuch* Variety *of* Cenſure *as 'tis like enough to meet withal, in this our* Cenſorious *Age. As either*

Firſt for the Plainneſs *of the Style; tho a plain Dreſs beſt become the* Natural *Beauty of all Truth in* general; *and more* eſpecially *ſuch* Practical *Truth, as is the Subject Matter of this* Diſcourſe. *Or*

Secondly the Shortneſs *of the Sermon: Not conſidering, it was a* Word *to the* Wiſe; *and that a* ſhort *word to ſuch is* ſufficient; *eſpecially in* ſuch *Matters, whereabout their Wiſdom is not only moſt* principally, *but moſt* familiarly *alſo converſant: Otherwiſe there's ſcarcely any one* Branch *of my Text, that would not have ſupplyed a no very* fruitful *Invention, with* abundant *Matter, for a* more *Copious Diſcourſe than this of mine, upon the* whole *of it. Theſe two* Objections, *together with a third, anſwer'd in the* Cloſe *of my* Sermon, *might be made by no ill meaning* Friends:

There's yet a fourth to be expected from our worſt meaning Enemies; *or ſome* Advocates *for them, whoſe* Eies *directed to, ſpeak their* Hearts *alſo ſet towards their* Tents,

Tents, *as ready to run over to them: Namely, that I am too ſevere againſt* Papiſts, *and Popiſh* Prieſts.

Now to this Objection, which hath leaſt of Reaſon, and moſt of Danger in it, I ſhall not (for that Cauſe) go about to make any Defence of mine own; but here more eſpecially pray in your Patronage *and* Protection, *according to your* Office; his *whom you repreſent, the* King's Majeſtie's, *according to his* Laws; *and* above *all, the* higheſt *Defence of all, even that of* God *himſelf, according to his all wiſe and Powerful* Providence, *againſt both the Makers of the Objection, and thoſe in whoſe behalf it is made: and this laſt Preſervation, not for myſelf alone, but alſo, and much more, for our* King *againſt their various ways of* Aſſaſſinations; *for our* Church *againſt their manifold* Idolatries, *and* Superſtitions; *and for our* State *againſt all their Helliſh* Plots, *and* Machinations.

And, as for means conducing to theſe Ends, I yet farther pray, that the King *may want no ſuch* Subjects, *the* Church *no ſuch ſons, this* Country *no ſuch* Friends, *and the whole* Kingdom *no ſuch* Magiſtrates, *as your Learned and Worthy* Self: *the King no Subjects ſo truly* Loyal, *the Church no Sons ſo truly* Obedient; *this Country no Friends ſo every way* faithful, *and the whole Kingdom no Magiſtrates ſo altogether* unbiaſs'd *and* incapable

capable *of Corruption. Men of the right old* Engliſh *make, and Proteſtant ſpirit, Couragious, Undaunted, bravely bearing up againſt and ſtemming the tide of all oppoſition from* Rome *and* France. *This is and ſhall be the Conſtant tenor in the fervent Prayers of*

RIGHT WORSHIPFUL,

Your moſt Humble Servant

and Dutifull Chaplain

JOHN BENNION.

Deut. 1. 16. and part of the 17. *verſe.*

16. *And I charged your Judges at that time, ſaying; Hear the Cauſes between your Brethren, and judge righteouſly between every man and his brother, and the ſtranger that is with him.*

17. *Ye ſhall not reſpect Perſons in Judgment, but you ſhall hear the ſmall as well as the great; you ſhall not be afraid of the face of man, for the Judgment is Gods.*

WHEN *Moſes* (the ſole *Judge* of *Iſrael*) found the Suits and Controverſies of the People to grow up and multiply, as their numbers did; he ſoon felt the weight of his Office a burthen too heavy for the ſhoulders of a ſingle perſon to bear, *verſe* 10. 12. *The Lord your God hath multiplyed you; and behold, you are this day as the ſtars of heaven for multitude. How can I my ſelf alone bear your cumbrance and your burthen and your ſtrife?* He therefore counſels them to make choice of other ſubordinate Rulers and Judges; that might be as helpfull to him, ſo uſefull to them; and withall adviſeth what manner of perſons to chooſe; *men that were Wiſe, and Underſtanding, and Known among their Tribes,*

v. 13. The Iſraelites approv'd the motion, and ſaid; *the thing, which thou haſt ſaid, is good for us to doe. v.* 14. And they followd his advice; chooſeing Perſons of that *Character* he had recommended to them; and when they had ſo done, they brought them to *Moſes*, who did two things:

Firſt he inſtall'd them in their *Office*, *v.* 15. *So I took the Cheif of your Tribes, Wiſe men, and Known, and made them Heads over you.*

Secondly he gave them their *Charge* in the words of my Text. *I charged your Judges at that time, ſaying; Hear the Cauſes between your Brethren, and judge righteouſly between every Man and his Brother, and the Stranger that is with him.*

Ye ſhall not Reſpect Perſons in judgment, but you ſhall hear the ſmall as well as the great; you ſhall not be afraid of the face of Man, for the judgement is God's. In which words and in the Context before, You are to take notice of

1. The *Perſon Charging*, and that was *Moſes*, who at that time was the onely *Ruler* and *Judge* of the *Iſraelites.*

2. The *Perſons Charged*, and they are deſcrib'd
Firſt by their *Office*, *Judges.*
Secondly by their *Relation*, *Your* Judges.
Thirdly

Thirdly by their *Qualities* { *Wiſe* / *Underſtanding* / *Known* } Men.

3. The *Matter* of the Charge, ſet down both { 1. *Affirmatively.* / 2. *Negatively.* }

1. *Affirmatively* { 1. *Hear*; *Objectum* { *Quod*, the *Cauſe.* / *Cui*, your *Brother's* cauſe. } / 2. *Judge*; }

And this judgment muſt be
Firſt for the *Quality*, *Righteous.*
Secondly for the *Quantity* or *Extent* of it, *between every man and his Brother, and the ſtranger that is with him.*

2. *Negatively* { 1. *Not reſpect Perſons.* / 2. *Not be afraid of the face of man.* }

And the Reaſon both of the one, and the other, follows in the next words: *For the Judgment is God's.*

1. In the *Affirmative* part of the *Charge* the firſt *duty* enjoyn'd the *Judges* is to *hear the Cauſe.* And by *hearing* is to be underſtood a *diligent* and *circumſpect* attention to the buſineſs in hand, to all *Perſons* and

Things; all *Circumstances* and *Evidences*, that may make the *state* of the Cause to appear; which is farther explain'd Deut. 19. 18. *The Judges shall make diligent inquisition &c.* like some skilfull and wise Physitian, who first of all feels the *Pulse* of his Patient; then considers his *Age*, and the *Constitution* of his *Body*; is inquisitive after the *time* when, and the *manner* how, the *Disease* first begun; what *alterations* it hath since made; what *Paroxysms*, or *Fits*, it now hath; when they *come*, and how long they *hold* him: with these, and such like Queries he endeavours every way to be fully inform'd of the true state of his *Patients* Body, before he will (or indeed can) prescribe a *Remedy*. So the just Magistrate, in matters *Criminal* does not pronounce *Sentence*; nor in matters *Civil*, give his *Determination*; till he has first duly consider'd of the *Action* and the *Circumstances* it is cloth'd with, throughly examined *Witnesses*, scan'd and compar'd *Evidences*, and us'd all other expediencies to come to the clear knowledge of the truth; which he can never do, till he has first with equal patience heard *both Parties* speak. For *he that is first in his own cause, seemeth just, but his neighbour cometh and searcheth him*, *Pro.* 18. 17. A diligent *Disquisition* of the *Cause*, and a mature *Deliberation* thereupon, is therefore necessary in matters

ters of *Judicature* [a] *Cunctari judicantem decet, imo oportet*, said *Seneca* the *Philosopher*: and [b] *Seneca* the *Tragedian* lays down the like Position, *Qui statuit aliquid parte inaudita altera, æquum licet statuerit, haud æquus fuit.* He that *Determines* a Case at-all-adventures, tho perhaps he should *stumble* upon *Justice*, yet he is himself *unjust*; and that because he should hear both sides speak before he determines. Even the poor and illiterate Man's Tale is to be heard in his own Dialect, as well as his who can set it off in a better Dress: And there be two expressions in the *Text*, that afford us a double *Medium* or *Argument* to press this duty.

The one } lyes in this { *Your Judges.*
The other } { *The Cause of your Brethren.*

To begin with the first of these, *I charged your Judges to hear*, from whence it will naturally follow that *Judges* and *Magistrates* were [c] not so much ordain'd for their *Own* sakes, as for the *Peoples*; not so much to *Domineer* and *Lord* it over them, as to *Succour* and *Defend* them.

[d] *Hoc Reges habent magnificum & ingens* &c.

Prodesse miseris, Supplices fido Lare Protegere. The Grandeur of *Kings* and *Magistrates* consisteth in this, that they have *power* to *help* those who are not able to *help themselves*. Nay, it is for this very reason, that they

are

a *Lib.* 2. *Cap.* 23.
b *Sen. M* *Act.* 2. S

c Non sed Popul Adrianus ---τὴν ἀρχ εἰς ὕβριν, ἀ ἐνεργεσίαν θεῶς. Ari Epist. ad
d Senec Medea A Scen. pra

are ſtyl'd *Gods*; and that by *God* himſelf, who gave them this *power*; and has imprinted in the very *natural* Conſcience of every man *Notions* of Fear and Honour, Subjection and Contribution to be given to Kings and other *Magiſtrates* and *Superiors*; and that *not only for wrath, but for conſcience ſake.* Yet (as the Learned [e] *Biſhop Sanderſon* well obſerves) the ſame "Conſcience which bindeth us who are under Au- "thority to the performance; bindeth you who are "in Authority to the requital of theſe duties, I ſay the "ſame conſcience; tho not the ſame wrath: For here "is the difference. Both wrath, and Conſcience bind "us to our duties; ſo that if we withdraw our ſubje- "ction, we wound our own Conſciences, and incur "your juſt wrath: But only Conſcience bindeth you "to yours, and not wrath; ſo that if ye withdraw your "help we may not uſe wrath, but muſt ſuffer it with "patience, and permit all to the judgment, of your "own Conſciences, and of God the Judge of all mens "Conſciences; but yet ſtil in Conſcience the obligati- "on lieth equally upon you, and Us: As we are bound "to give you Honor, ſo are you to give us Safety; as "we to fear you, ſo you to help us; as we to fight for "you, ſo you to care for us; as we to pay you Tribute, "ſo you to do us Right. For for this cauſe pay we tri-

Serm. ad ſtratum.

bute

" bute and other duties to you, who are Gods Mini-
" sters; even because you ought to be attending con-
" tinually upon this very thing; to approve your
" selves the Ministers of God to us for good. So farr that Godly Learned *Bishop Sanderson*: which perhaps had been too much to quote from another, but not from that every way Reverend Author.

Well then (My Brethren) if *Magistrates* were Ordain'd more for *Your* sakes, than for their *Own*; it will follow; that the *Judge* is the *People's*; and therefore his *Eyes* are their's to see and observe for them; his *Ears* their's to hear for them; he is *chosen* and *sworne* for them; he Rides their *Circuit*, Sits on their *Bench*, is Guarded and attended by them: All his *Authority*, *Wisdome*, *Learning* and *Experience* in *Law*-Cases is for them; tho the *Judge* be indeed the *King's* as to his Delegation to, yet is he the *People's* as to the *Execution* of his *Office*; deriveth his Authority from the *King*; is to mannage it for the King's *Leige* People. And therefore wonder not that We so closely urge this labor and diligence in Hearing; *I charged your Judges to hear.*

But *Secondly*, Another *Argument*, yet farther to inforce this duty, is taken from the *Relation* of the *People* to the *Judges*; they are *Your Brethren*: your Brethren

Brethren by *Nature*, as *Men*; your Brethren in a *Political* Notion, as Members of the ſame Body *Politick*; and your Brethren alſo by *Grace*, as of the ſame *Myſtical* Body; and therefore upon all theſe Conſiderations you are oblig'd to hear them. Thus your Brother's *Liberty* reſtrain'd by unjuſt Impriſonment, his *Name* wounded by Reproches, his *Houſe* broken up, his *Sheep* or his *Oxen* driven away, his *Life* endanger'd &c. doe every of them call for that *Brotherly* Love and Affection from you, which ſhould move you diligently to *Hear* his Cauſe, and ſo to hear it, as to doe him *Juſtice*; which is the *ſecond* duty in the *Charge* given to the *Judges*.

2ly They muſt *judge righteouſly between every Man and his Brother, and the Stranger that is with him.* And this *Righteous Judgement* conſiſteth in the pronouncing of a *Sentence* conformable to *Juſtice*, after the *Cauſe* is fully underſtood: I ſay in pronouncing of a Sentence *conformable* to *Juſtice*; for in every *Cauſe* there is it's Juſtice either on *this* ſide, or *that*; and when the *Judicial Sentence* anſwers the *Juſtice* of the *Cauſe*, then it is Righteous.

But as this Judgment for the *Quality* muſt be *Righteous*, ſo for the *Quantity* or *Extent*, it muſt be *between every Man and his Brother, and the Stranger that*

is

is with him. As therefore the *Apoſtle Paul* ſaid in another caſe, f *does God take care for Oxen?* ſo may we ſay in this, does God take Care for *Strangers?* Yes he doth; For he preſerves both *Man* and *Beaſt*; but firſt *Man*, and amongſt Men firſt his own People, then *generally* all, even Strangers too; for though Strangers to you, they are not ſo to him, and his Providence: And as they are a part of his Care, ſo has he made them a part of your's alſo; and that the rather, becauſe Strangers are more liable to Affronts and Abuſes in their *Perſons*, to Injuries and Rapines in their *Eſtates*, than other Men. Theſe are therefore to be defended, and ſhelter'd by you; your Authority and Power is to be exercis'd for, and in the behalf of theſe, ſo long as they behave themſelves juſtly and peaceably in the Land.

f 1 Cor.

As our *Love*, and *Pity* muſt not move in too narrow a Sphear; ſo neither muſt your *Juſtice*, and *Equity*: As to that former the *Apoſtle* g *Peter* ſays, we muſt *add* to our *brotherly kindneſs Charity*; *Brotherly kindneſs* peculiarly reſpecting the *Brotherhood* of Chriſtians; but *Charity* ſo comprehenſive, as to regard Man *as* Man, and therefore *every* Man: upon which account *Ariſtotle* when reprov'd for beſtowing a Charity upon a *bad* Man, reply'd; that he did not

g 2 Pet.

therein reſpect τ πρόσωπον, ἀλλὰ τ ἄνθρωπον, not the *manners*, but the *Man*. And as to this latter *Moſes* here in effect ſays, you muſt to *Juſtice* to your *Brethren* add that to *Strangers*: nay Juſtice it *ſelf*, in it's proper *formal* Act, ſays ſo too; that you who have the Adminiſtration of it, muſt *ſuum cuique tribuere*, *diſtribute to every man his due Right*, not only to your Brethren, Neighbours, and Countrymen, but even to the pooreſt honeſt Strangers, if the other would injuriouſly withhold it from them.

But there are a ſort of Strangers amongſt us, that your *Juſtice* and *Judgment* are to be executed *againſt*, and *upon*; and that in the utmoſt Rigor and Severity, without any *Conſtructio favorabilis* of the Letter of our Law, which (as 'tis ſaid of that of God's) *killeth*; who ought to have Judgment without Mercy, becauſe they would have ſhew'd no Mercy. And theſe are the *Birds* of S^t. *OMERS*, and ſuch
Rev. 18. 2. like * *Cages of unclean Birds*; unclean Birds I ſay, who *have* Defil'd, and Birds of Prey too, who would have Deſtroyed their own Neſt, wherein they were hatcht, and for ſome time bred; who, tho *Native Engliſh* Men, yet have made themſelves firſt *Strangers*, and then *Enemies* both to the *Church* and *State* of *England*; Contriv'd their Subverſion, the Murder of their gracious

cious King, and the Ruine of a flouriſhing *Church*, and *Kingdome*: Of ſuch *ſtranger-Emiſſaries* I ſhall ſay no more, but as once the *Jews* did to *Pilate* in another Caſe, [h] *If You let theſe Men goe, You are not Cæſar's friend.*

[h] John

There are two *Reaſons* in the Text to be given for this *Righteouſneſs* in Judgment:

The Firſt is drawn from the *Solemn* Charge given to the *Judges*, when they are firſt *Inveſted* in their *Office*; *I took the Chief of your Tribes, Wiſe men and Known, and made them Heads over you; and I charged your Judges at that time to Judge righteouſly*: anſwerable to which is that *Charge* of *Jehoſaphat* to his *Judges*, 2 *Chron.* 19. 5, 6, 7. where 'tis ſaid that *he ſet Judges in the Land throughout all the fenced Cities of Judah, City by City; and ſaid to the Judges, take heed what ye doe*: (and there is the ſame reaſon for *Circuiting* Judges in Diverſe *Counties* with Us, as there was for *Settl'd* Judges in Particular Cities with Them) *for* (ſaith he) *Ye judge not for man, but for the Lord, who is with you in the judgement; wherefore now let the fear of the Lord be upon you, take heed and doe it: for there is no iniquity with the Lord our God, nor Reſpect of Perſons, nor taking of Gifts.* Nay 'tis well known that every *Judge*, upon his firſt *Inſtallment* into that

Office, is *Charg'd* by the *Magiſtrate* that is above him, and that with an *Oath*, (another, and yet farther *Bond* upon his *Conſcience*) to doe Righteouſly between the *King* and his *People*: And therefore ſaies the Righteous and Impartial Judge, *Juſtice Condemns* this man to die, and if I *Abſolve* him, I *Condemn* my ſelf, I loſe the favor of my God, and the peace of my own Conſcience: Some would *Complement*, others would *Bribe*, and a third ſort would by their *Threats* affright me into Perjury; but I muſt not, I will not doe it; For the *Vows* of my God, and the *Truſt* of my *King* are upon me: The Conſideration of which makes him Charge through all difficulties, all Temptations, how great, how ſweet ſoever, to the Diſcharge of his Duty; As the Souldiers of *Saul* did, who had ſworn *they would not Eat, till their Maſter was avenged of his Enemies*; and tho they ſaw *honey* upon the Ground, (could have had it for ſtooping) yet they would not ſo much as taſte, *becauſe they feared their Oath*, 1 *Sam.* 14. 24, 25, 26.

The *Second* reaſon is drawn from the *Order* of the Charge; you ſhall *firſt* Hear, and *then* Judge. *i.e.* All your Diligence and Exactneſs in inquiring into the matter before you, in putting Queſtions, Scanning and comparing Evidences, is in order only unto

to this very thing, that you may thereupon proceed unto a Righteous Judgement. For by the *Ear* the *Underſtanding* of the Judge is inform'd where the Juſtice of the cauſe lies; and the Underſtanding directs the *Mouth* to give a right Sentence; otherwiſe the *Jury* is impannel'd in vain, the *Witneſſes* give in their Evidence, and you *hear* but in vain: Nay a Magiſtrate, who is inquiſitive where the Equity lies, but corrupt in paſſing ſentence, acts like Herod, who [i] diligently enquired, where *Jeſus* the *King* of the Jews was, that he might come and *worſhip* him; when indeed his intent was only to deſtroy him. And ſo much for the affirmative part of the Charge. [i] Mat

2ly. In the *Negative* part of it there are two things forbidden:

1. *You ſhall not reſpect Perſons.* לא תכירו פנים tranſlated by the *Septuagint* οὐκ ἐπιγνώσῃ πρόσωπον, and in *Latine* may be rendred *Non agnoſcetis faciem*, you ſhall not *judge* according to the outward *quality*, *ſtate* and *condition* of men; whether they be rich or poor, your friends or your enemies, you ſhall not at all reſpect the *qualities* of the perſons, but only the *merits* of the Cauſe. As for Example; There are, ſuppoſe, two Priſoners at the Barr indicted for Treaſon, Murder, or the like; they both upon good evi-

dence

dence appear guilty; one man has no *Perſons*, no *Faces* to appear for him, and ſo Judgment paſſes, that he ſhall die: The other appears under many *Faces*, the face of a *Kinſman*, of an *Honourable*, Learned, or Rich man, or great Friend; and the Conſideration of this prompts the Magiſtrate to Spare, when he ſhould Smite; this is to *acknowledge Faces*, or Reſpect *perſons* in Judgment; quite contrary to that of *Levit.* 19. 15. (which is a full explication of this part of my Text) *Thou ſhalt not reſpect the perſon of the Poor, nor honour the perſon of the Mighty.* And this is to become like the *Great* Judge of all, who thus expreſſeth himſelf, *Rev.* 22. 12. *My reward is with me* ἀποδοῦναι ἑκάστῳ ὡς τὸ ἔργον αὐτοῦ ἐσται, *to give every man according as his work ſhall be.* The Ballance weighes the *Gold*, *Silver*, or *Iron* all alike; Nor ſhould *Juſtice* (who is therefore painted *blind*) know any difference between the *Noble* and the *Baſe*, but (as it is in my Text) ſhould *hear the ſmall as well as the great.*

2. *You ſhall not be afraid of the face of man*; which is the laſt duty of the good Magiſtrate in my Text. And certainly *Courage* in a *Judge* is ſometimes as requiſite as any other Qualification we have ſpoken of: For to what purpoſe does he *Hear* and *Underſtand*, if he dare not determine aright? to what purpoſe is the *ſword*

of

of Juſtice put into his hand, if he dare not turn the edge of it againſt Offenders? and why was every ſtep to *Solomon's* Throne ſupported with Lyons, but to teach *Kings* and *Magiſtrates*, that they ſhould be men of Courage and Reſolution?

As the Law is *Mutus Magiſtratus*, the *dumb Magiſtrate*, i.e. cannot ſpeak, but by the *Magiſtrates* mouth; ſo the Magiſtrate muſt be *Lex Loquens*, the *ſpeaking law*, i. e. ought to ſpeak the very *mind* of the *Law* in every *Caſe* that cometh before him, how *ſevere* ſoever it way be againſt any (even the greateſt) Perſons concern'd: which he that dares not do, looks like a *painted Iupiter* with a *Thunderbolt* in his hand; his Arm ever up, but never ſtrikes. Law altogether unexecuted, is like a *ſword* by the ſide of the *Magiſtrate*, that dares not ſo much as peep out of the *ſcabbard*; partially executed, like a ſword but half or three quarters drawn; at beſt but like ſtriking with the ſcabbard, when it ſhould have been with the *ſword*. This (which is bad) is to *bear the ſword in vain*, and to no purpoſe, or (which is worſe) miſchievouſly and to ill purpoſe; ſuch fooliſh pity hath not only (as 'tis in our proverb) ſpoil'd a Citie, but endanger'd King and Kingdom; nay many Kingdoms together; whereof I wiſh we had not too much Experience, in the ſo much ſuffer'd

(and

(and thereby even encourag'd) insolence of Popish Recusants; who as they lately were, so we may well presume they still are, *designing* and practiceing (for while their* *principles* are unchang'd, their *practises* will be the same) against the *Life* of that *sacred Person*, by whose unparalleld clemency, many of them hold their own; and had effectually once taken it away, had not *divine providence*, still watching over it, substituted a Ram instead of that *great sacrifice* to the *Triple-Mitred Idol:* A Generation they are, on whom *Favour* and *Indulgence* is as ill placed as *complement* on a *Woolf*, or *courtship* on a *Tygre*.

*ἐναι ἀκο- ἐνιρ- Plut. no o.

Now this *fear of the face of man*, is a peice of *pusillanimity* or *cowardize* in the heart of the *Judge*, arising from the Consideration of some *Evils* that are threatned or may befall him, in the due Execution of his Office. As thus; if I pass a *righteous sentence* in such, or such a Case, I may soon judge my self out of my *Place* and *Honour*, out of all my *Great* Friends, my *Libertie*, my *Estate*, and perhaps endanger my *Life* it self. And where *Magistrates* are so far byass'd as to pervert Judgment, I am apt to think, it is usually either the Respect, or the *Fear of Men* that overrules them. But when we consider it is but *Man*, that will be displeased, methinks there should be no force

force in the Argument. It is but *man* that threatens, but you have to do with the *great God*; and * *who art thou, that art afraid of a man that shall die, and of the son of man, that shall be made as grass; and forgettest the Lord thy maker*? For tho man may threaten, yet without God he cannot execute; [k] *Nebuchadnezar's* Furnace cannot burn, nor [l] *Darius* his Lyons devoure without Divine permission; and [m] *Jeroboam's* hand shrivels up, when he would offer violence to the man of God.

* Is. 51. 12

[k] Dan. 3
[l] Dan. 6
[m] 1 Kin.

Now the *Reason* both of the *Affirmative* and *Negative* Duties follows in the last words; *For the judgment is God's*: The consideration of which will give edge to the courage of the *Righteous* Judge, and make him as bold as a *Lyon*. I am (says he) God's *Vicegerent*, his mouth to pass that Sentence which he himself would have passed; and to what purpose has he styl'd me a *God* after his own name, but because as such I should do justice? And shall I be a *Judas* in the place, or a *Pilate* on the Bench of God? The Judgement is God's, and shall I for Fear or Respect of men bow it according to their corrupt Will and Pleasure? shall I (as much as in me lies) make the God of Truth a Lyer, an Accepter of Persons, an Oppressor, a Condemner of the Just, and an Absolver

of the wicked, repreſent the Judge of all the earth as any way not doing Right? No, God forbid; I muſt not, I dare not but give *Righteous* ſentence, *for the judgment is God's*: tis his, and he will defend me in every *Righteous* Judgment; and therefore I neither value the Envy or Reproaches of thoſe that are below, nor the Frowns and Menaces of thoſe that are above me. *The judgment is God's* i. e. He notes and obſerves all that is done, and will call over the *judgment* again if it be not *Righteous*. Such a time *Barabbas*, a *Rogue*, a *murtherer* was *abſolv'd*, and *Chriſt crucifyed* by *Pilate*; Such a time *Jezabel* took away *Naboth's* life, that ſhe might have his *Vineyard*; So many Traytors *acquitted* at another time, ſo many *ſtrangers* and widows oppreſſed in their cauſe, and (with Reverence be it ſpoken) God in his own ſeat baffled to his face, and ſometimes Friends, nay ſometimes Enemies preferr'd before him. But however remember this, the *Caſe* will one day come to another hearing; *For the judgment is God's.*

And now, *my Lord*, what has been ſpoken upon this ſubject, having had no leſs of *practice*, then Doctrine in it; I ſhall not expoſe my ſelf to your *judicial* cenſure for an *Action* of *Treſpaſs* upon your *time* (if

(if not your *patience* alſo) in any farther *diſtinct* and *particular* application. Nor yet was, what in that more *general* way, hath been already ſaid, intended to *inſtruct* you in, but only *mind* you of, and *move* you to your before well known Duty; which if it may not be done, I am yet to learn the uſe of an *Aſſiſe Sermon*. In that ſenſe therefore your *Lordſhip's* Candor hath I doubt not all along underſtood me.

But I hope I as little *need*, as *love* Apologie. For though ſome may perhaps think I have us'd more *liberty* than becometh ſo *young* a man, with your ſo great *Dignity* of Office, and no leſs *Gravity* of *Wiſdom*, for an agreeable mannagement, and diſcharge of it; yet would they withall conſider me as a *miniſter* of *Ieſus Chriſt*, and one who deſireth to be found faithfull to him, they might in my *Text*, and thoſe other Scriptures on this ſolemn occaſion made uſe of, find *Gravity* enough unleſſen'd by any Levity of mine, to excuſe my Boldneſs, were it needful.

Tis true, *my Lord*, you are upon the *Bench*, in the ſtead of *God* to Us; and it is no leſs true, we are in the *Pulpit*, in the ſtead of *Chriſt* to you: And therefore as being a *miniſter* of *Chriſt*, I beſeech you in his *ſtead*, that you would take this *Charge* of *Moſes* home to your Soul; that you would with Diligence and Patience

Patience hear the Cauſes between your Brethren; and when upon hearing and due Examination, you come rightly to underſtand them, that you would *judge righteouſly between every man and his Brother, and the ſtranger that is with him*; *not reſpecting Perſons in judgment, not fearing the face of man* how *great* ſoever, as conſidering there is a *greater* above him, *who is with you in the judgment*, and to whom you muſt one day be accountable; *For the judgment is God's.*

F I N I S.

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